IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.453 OF 2004
IN
RCS NO.515 OF 2004

Pune Education Foundation ..Petitioners

Vs.

M/s.S.M.S. Letter Press
Pvt.Ltd. & Ors. ..Respondents

....

Mr.B.H.Patel for M.U.Nanu Hormasjee for Petitioners
Mr.L.D.Vakil for R.D.Soni for Respodnent no.1
Mr.N.C.Pareira for Respondent nos.2 to 4
Mr.Girish Godbole for Respondent nos. 6 to 8.

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CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 10,2005

P.C.:

1. Heard the learned counsel for the petitioner who claims that the order of injunction passed on 6.12.2004 by the Small Causes Court at Pune, has been breached. Some of the respondents have filed replies and raised disputed questions of facts. It would be therefore, advisable for the petitioner to approach the Court below under Order XXXIX Rule 2A of C.P.C. as in this contempt petition, the disputed questions cannot be gone into so as to punish the alleged contemnors.

2. Contempt Petition is disposed of with liberty to approach the Court below.

[B.H.MARLAPALLE,J.]